Police

1832

(Police)

10

File no. 1 of 1832 st 1.

Sworn to the Police Superintendent

to decide Civil cases.

From 1st 1833

The Superintendent of Police

Letter Bangalore

Secre... Police

File N... 1-32

No. ....

Dated 4th
Recvd 5th } April 1833

Copy sent to Govt 6th April

Well

Police

Requesting the opinion of the Commissioners as to the extent of his authority in Civil Causes, and transmitting the documents connected with this subject.

Police Department

Bangalore 5th April 1833.

Section

No. 173

The Acting Secretary

to the Commission for the

Government of Mysore.

Sir,

I have the honor to request you will be so good as bring the accompanying Statement and documents annexed, to the Notice of the Commissioner for the Government of Mysore, for their opinion as to whether the power with which I am vested to decide all Civil Cases under 500 Pagodas rendered the Company's Troops Serving in this Cantonment — amenable to my authority, in cases of Civil Debt which are not cognizable by a Military Court under the Articles of War, or any other Regulation of Governm

~~The Articles of War Limit the Amount of Actions~~ of debt before Courts Martial, to Sums of Rupees Four hundred, the Bazar Regulations do not extend to the Mysore Country, and even Supposing they were in force, by Section XXI Paragraph 1st Section it is declared that "no Suits for Damages or concerning disputes of Caste, or for the Division of Family property, or for the possession of Lands, or other real property, shall be received under or Determined by the Bazar Regulations, but all such Suits shall be ref Civil Tribunals to be tried under the General Regulations -

It therefore becomes a question as to what tribunal in Mysore is authorised to take Cognizance of Suits of this Nature, wherein the Defendant is actually Serving, and drawing Military Pay from the Company, - If no Military Tribunal can take Cognizance, it is natural to Suppose the Courts of the Country in which the

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are open for the administration of Justice in such Cases; as in Travancore, where I believe the Company's Troops are amenable to the Civil Court of the Country. In the case now referred the Plaintiffs are very importunate for some decision in their favor to enforce Payment of the Amount awarded. Hence I have therefore the Honor to solicit the instructions of the Commission for my present, and future Guidance.

I have the Honor to be
Sir,
Your Most Obedient Servant.

E Armstrong
A. Police

Statement 4 Bracelet 67

Plaintiffs, Bulsha Bhai and Sooloo Bhai

Defendant, Angoie Road, Bavildar 7th Ca

The Plaintiffs are Sisterinlaw, and nearly related the Defendant, from this cause he became possessed of their property to a considerable Amount, and respecting which a dispute occurred - By Mutual consent the Suit was referred about 2 Years ago to the decision of a Panchyet, the regular Moochilka having been subscribed to by both parties, and an award was decreed infavour of the Plaintiffs to the Amount of Rupees 447- annas 12- The Bavildar was repeatedly called on direct, and through his Commanding Officer, to pay the Amount adjudicated against him, which on one and another pretext he delayed doing - Until at last he offered to pay half a Pagoda - Monthly, towards the liquidation of the Debt, at this rate it would take 22 Years to complete the payment, and was so evident an attempt at evasion that the Superintendent of Police addressed the Officer Commanding Bangalore for his Sanction to distrain the Bavildars property, and otherwise enforce payment - The Commanding Officer referred the question to the Madras Government which Board recorded a Minute to the effect that "the General question involved in the Subject of the reference would be taken into early consideration but in the mean time were of opinion that the awards of the Panchyet should not be enforced by a distraint of property" - Since which period the Plaintiff, has not received a Single Rupee from the defendant -

Police Office -
Bangalore -
4th April 1833

E Armstrong
Capt

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Police Office
Bangalore 9th July 1831.

Received 6/7/31

To
The Officer Commanding,
Bangalore.

Defendants.

Sir,

Complainants.
Subbaby
Cushaby
Annajee Row - Havr. & Pr.
Gungaboy (Clerk of the Havr.)

I have the honor to bring to your notice that a case of debt between the parties named in the ellangin, has been by mutual consent adjudicated by a Sirkar Punchayet under the Provisions of Section VIII Regn. VIAD 1821 and a Copy of the Arbitrators' Sentence duly furnished to each party - A Translation of the same is herewith enclosed for your information, whereby you will see that the Defendants are required to pay the sum of Rupees 46 4. 12. ., to the Plaintiffs on the latter surrendering certain Bonds and other property of Defendants in their possession - Those they are prepared to deliver up to them whenever they claim them; but as a most disgraceful attempt has been made by the Defendant (the Havildar) to evade payment of the amount adjudicated against him and his ellowther by a Court thus legally constituted, I have the honor to request that you will under the provision of Sect: X of the above Regulation give me authority to distrain Defendants' goods and Chattels to the amount due by him - Every effort has been

voked by me through the Officer Commanding 4th Regiment Light Cavalry to induce his Compliance with the Sentence of the Punchayet, but as these all failed, I have no other resource than a reference of the subject to you.—

Should you Consider that there is any difficulty in furnishing me with this authority under existing Regulations for the adjudication of debts &c in cases where the Defendant is in Military Pay, (but wherein the amount of debt is limited to Rupees 200)— I have the honor to solicit the favour of your making it the subject of reference to Army Head Quarters, for the future guidance of this Department in cases of debt exceeding Two Hundred Rupees, for which there does not immediately exist, independent of the Regulation VI before quoted, any specific mode of redress or adjustment.—

I have the honor to be
Sir,
Your most Obed.t Servant.
(Signed) A. Clarke,
Supt. of Police.

A true Copy
Armstrong
Police

By Order of Captain A Clarke
Deputy Assistant Commissary Genl.

The Punchayut assembled and a decision has been given by them between the Plaintiffs Salcoboy and Puchoaboy and Defendants Hauldar Annojee Rowe and Gungaboy in the following manner.—

We have taken due notice of the Claims of both parties and have searched the Family Certificate and House expences &c. and the accounts made up are as below mentioned.—

By the Family Certificate of Plaintiff Defendant Cash received in hand	1822	4 —
He expended for the Plaintiff	1169	8 —
Half Share of a House which was purchased by both of them	112	— —
Deduct Rupees	1281	8 —
Balance against the Defendants Rupees	540	12 —

for which outstanding by different Bonds on their names Rupees 491 and 12 Annas. Therefore we decided to Collect themselves the above Sum and we deducted 93 Rupees for his trouble, because it is impossible for the Plaintiffs to Collect the amount—

Balance in ready cash Rupees	398	— —
Do in the principal money	49	12 —
Rupees	447	12 —

This last amount of 447 Rupees and 12 Annas and part of the House we decide are to be paid to the Plaintiffs Salcoboy and Panchaboy by the Defendants Havildar Annojee Row and Gungaboy whatever

whatever Papers furniture, Bonds and Documents are in the possession of Plaintiffs they must return thereto the Defendants—

There must be no further dispute about the Family Certificate— excepting their own Relationships—

Thus on full Consideration we have decided as abovementioned and we hereunto subscribe our names—

Signed
Plaintiff Pachooboy an
Salooboy
Defendant Havildar
Annajeerow V. Gungaboy

Signed Punchayut of Sircar
Purasooram Sing
Veera Pilla
Moottoocomara Chetty
Mundy Tippiah
Merchant Arnachellu Moodiliar
Havildar Ramojee Row
Writer Hanee Sing
Syadoo Appoo
Innoomund Row.

True Copy
E Thornton
Secy

Head Quarters of the Mysoor Divisn
Bangalore 1st. September 1831

Division Order -

Major General Hawker directs the publication of the following letter and Extract of Minutes of Consultation for General information

No. 1-997-

To

The Officer Commanding
Mysoor Division of the Army

Sir,

I am directed to acknowledge the receipt of Major General Hawker's letter of the 1. ultimo N°. 121 with its enclosures relative to a debt due by a Havildar of the 7th. Light Cavalry, which has been submitted for the Consideration of Gover. ment, and I have the honor to annex Copy of an Extract from the Minutes of Consultation under da the 23d. Instant Conveying the Boards opinion on t subject referred. —

I have the honor to be &c. &c.
(Signed) J. R. Haig
Dy. Asst. Adjt. General
of the Army.

Adjt. Generals Office
Fort St. George,
29th. August 1831.

Extract from the Minutes of Consultation
23d. August 1831 -

Read the following letter from the Adjutant General of the Army -

Here enter 3d. August 1831
No. 4-4-75

The general question involved in the

"Subject of the foregoing letter will be taken into Consideration at an early period, in the mean time the Board are of opinion that the award of the Punchayet should not be enforced by a distraint of property."—

/A true Extract/

/Signed/ Robt. Clerk

Secy. to Government.

/A true Copy/

/Signed/ J. R. Haig

Depy. Asstt. Adjutt. General

of the Army.

By Order of Major General Thos. Hawker

Commanding Mysoor Division.—

/Signed/ S. Clemans Captain

Actg. Depy. A. A. Genl.

Mysoor Division.

True Copy

S. Thomason

Police